

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

JOHN L DAVIS
Claimant

APPEAL NO. 13A-UI-08464-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

RYDER INTEGRATED LOGISTICS INC
Employer

OC: 12/23/12
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

John Davis filed a timely appeal from the July 12, 2013, reference 02, decision that denied benefits. After due notice was issued, a hearing was held on August 26, 2013. Mr. Davis participated. Jordan Vanersvelde represented the employer. Exhibit A was received into evidence.

ISSUE:

Whether Mr. Davis' voluntary quit was for good cause attributable to the employer. It was not.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: John Davis was employed by Ryder Integrated Logistics, Inc., as a full-time materials handler (order filler and forklift driver) from 2011 until June 9, 2013, when he voluntarily quit to move to Chicago. Mr. Davis moved to Chicago to put distance between himself and his wife, who resided in Waterloo. Mr. Davis left during his shift on June 9 and did not return. At the time Mr. Davis left the employment, he was going through a period of personal and family turmoil related to the disintegration of his marriage. At the time Mr. Davis left the employment, the employer continued to have work available for Mr. Davis.

The employer had provided Mr. Davis with a personal leave of absence during the period of April 24, 2013 through May 15, 2013. Mr. Davis had returned to work on May 16 and continued to work until June 9, 2013. Mr. Davis was not on an approved leave of absence in connection with the separation that occurred on June 9, 2013.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

871 IAC 24.25(2), (20) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(2) The claimant moved to a different locality.

(20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer. See 871 IAC 24.25.

The evidence in the record indicates that Mr. Davis voluntarily quit for compelling personal reasons, but not for good cause attributable to the employer. Mr. Davis quit to move to Chicago to put distance between himself and his wife. Because Mr. Davis' voluntary quit was without good cause attributable to the employer, Mr. Davis is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount. Mr. Davis would have to meet all other eligibility requirements. The employer's account shall not be charged for benefits paid to Mr. Davis.

DECISION:

The agency representatives July 12, 2013, reference 02, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The employer's account shall not be charged.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs